

REMARKS/ARGUMENTS

In the Official Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Applicants respectfully traverse the above-mention rejection of claims 1-4 under 35 U.S.C. § 112, first paragraph.

Applicants submit that one of ordinary skill in the art would be capable of determining the driving habits of a driver as described in the specification and recited in the claims.

In this regard, we would like to bring U.S. Patent No. 5,904,215 to IKEDA (“IKEDA), which issued on May 18, 1999 (prior to the priority date of the present application), to the Examiner’s attention. In a non-limiting example, IKEDA discusses, inter alia, a neutral network that conducts a series of learning based on the driver’s actual braking operation. Thus, also in the case of a driver who has a driving habit of late braking, the brake depression characteristic of the driver’s own can be absorbed in the neutral networks (Col. 8, lines 27-34).

Applicants further submit that IKEDA clearly pertains to the automotive art, and more particularly, to automatic brake control systems capable of learning a driver’s habits. Accordingly, the subject matter discussed therein would have been known to one having ordinary skill in the art pertaining to the present application. Also, as acknowledged in the paragraph spanning pages 2 and 3, of the outstanding Office Action, the features recited in independent claim 1 have antecedent basis in the Specification.

Further, the Examiner's assertion that one skilled in the art would not be capable of determining the driving habits of a driver is directly contradicted by the exemplary prior art cited in the previous Response (U.S. Patent Nos. 6,450,919 and 5,157,609). The Examiner appears to take the position that determining driving habits for modifying shift points is significant different from determining driving habits in the environment of a braking system, and would require undue experimentation. However, the Examiner has supplied no factual evidence to support this contention.

Accordingly, although not necessarily limited to the exemplary techniques and methods for determining the driving habit of a driver as discussed in the above-noted exemplary patent publications, nonetheless it is respectfully submitted that the feature recited in amended independent claim 1 that "the adjustable delay is adjusted according to a driving habit of a driver" is supported and enabled by the specification, at least in view of the knowledge generally available to a person of ordinary skill in the art at the time the present invention was made, and as such independent claim 1 complies with the requirements of 35 USC § 112, first paragraph.

Moreover, independent claim 1 also recites, *inter alia*, that "changing the diameters of the variable orifices provides an adjustable delay in reducing the brake force of the wheel cylinders." In a non-limiting example, FIG. 1 shows that a variable orifice 57 is connected to the master cylinder 31 and the wheel cylinders 33 whether or not the solenoid valves 51 are opened. That is to say, the variable orifice 57 is able to circulate the brake fluid at a predetermined

speed, using a brake hydraulic pressure difference between the master cylinder 31 and the wheel cylinders 33. Especially in the case that the solenoid valves 51 are closed and the driver takes his or her foot off the brake pedal 15 or releases the brake pedal, the variable orifice 57 ensures that the brake fluid slowly flows into the master cylinder 31, thereby lowering the brake hydraulic pressure of the wheel cylinder 33 to a designated speed (see the specification at page 5, lines 18-25).

In view of the non-limiting example noted above, it is respectfully submitted that the function of the variable orifice is clear. In addition, as noted above, adjusting an adjustable delay according to a driving habit of a driver is also supported by the specification, in view of the exemplary evidence indicating the knowledge of a person having ordinary skill in the art at the time the present invention was made. Accordingly, it is respectfully requested that the rejection of independent claim 1, and of claims 2-4 depending therefrom, be withdrawn.

In view of the arguments herein, Applicants submit that independent claim 1 is in condition for allowance. With regard to dependent claims 2-4, Applicants assert that they are allowable on their own merit, as well as because they depend from independent claim 1, which Applicant presumes to be allowable because the Examiner has not provided a prior art basis of rejection in the Official Action.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have argued the allowability of the claims and pointed out deficiencies in the Examiner's rejection. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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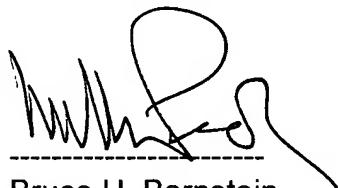
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